



SUBDIVISION BY-LAW

Municipality of District of Shelburne

Final Draft
January 30, 2026

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1.0 Title

1.1 Citation

- 1.1.1** This By-law may be cited as the “Subdivision By-law” of the Municipality of the District of Shelburne and shall apply to the subdivision of all land within the Municipality of the District of Shelburne, hereinafter referred to as the “Municipality.”
- 1.1.2** This Subdivision By-law may also be cited as the “By-law” when used in a self-referential manner within the text.

2.0 Authority

2.1 Enactment Authority

- 2.1.1** This By-law is enacted by the Council of the Municipality of the District of Shelburne under the provisions of Sections 271–274 of the Municipal Government Act (S.N.S. 1998, c. 18) and is intended to implement Policy 6.1.1 of the Municipal Planning Strategy.

3.0 Administration

3.1 Administration and Delegation

- 3.1.1** This By-law shall be administered by the Development Officer of the Municipality appointed under the authority of the Municipal Government Act and in accordance with Policy 7.2.1 of the Municipal Planning Strategy.
- 3.1.2** In the absence or incapacity of the Development Officer, the Acting Development Officer appointed by Council shall act in the Development Officer's stead.

4.0 Interpretation

4.1 Words

- 4.1.1** In this By-law, the word “shall” is mandatory and not permissive.
- 4.1.2** Words used in the present tense shall include the future.
- 4.1.3** Words used in the singular shall include the plural except where otherwise indicated, and words used in the plural number shall include the singular.
- 4.1.4** All other words shall carry their customary meaning except those defined hereinafter.

4.2 Measurement

4.2.1 The metric system of measurement is used throughout this By-law. Imperial measurements are approximate only, for convenience only, and in all cases of conflict between imperial measure and metric measure, the metric measure shall prevail.

4.3 Specifications and Standards

4.3.1 The Specifications and Standards referred to throughout this By-law and the accompanying Specifications may be adjusted by the Municipal Engineer in exceptional circumstances and in accordance with accepted engineering practices.

5.0 Definitions

For the purposes of this By-law, all words shall carry their customary meaning except for those defined as follows:

- a) **Act** means the Municipal Government Act, Chapter 18 of the Acts of 1998, and amendments thereto.
- b) **Agreement** means a contract between the subdivider and the Municipality which describes the responsibilities of each party with respect to the subdivision and servicing of land.
- c) **Area of land** means any existing lot or parcel as described by its boundaries.
- d) **Central sanitary sewer system (central sewer)** means a municipally owned wastewater collection system consisting of pipes, conduits, and related appurtenances (including manholes and lift stations), operated by the Municipality of the District of Shelburne, that conveys wastewater to the Municipal lagoon-type wastewater treatment facility serving the Sandy Point / Shipyard service area.
- e) **Central water distribution system (central water)** means an assembly of pipes, conduits, and appurtenances designed to carry and distribute potable water for consumption and fire protection, and which is owned and operated by a municipal water utility. In the Municipality of the District of Shelburne, this refers only to water systems owned and operated by the Town of Shelburne or the Town of Lockeport where a service area or servicing agreement exists.
- f) **Charge area** means an area in which infrastructure charges are to be levied which has been designated by this by-law.
- g) **Council** means the Municipal Council of the Municipality of the District of Shelburne.
- h) **Department of Environment** means the Nova Scotia Department of the Environment and Climate Change.
- i) **Department of Public Works** means the Nova Scotia Department of Public Works.
- j) **Development Officer** means that person appointed by Council pursuant to the Municipal Government Act and having the power and duty to administer this By-law.

- k) **Drainage plan** means a detailed plan of storm water runoff and the courses and channels of it, including floodplains, for one or more parts of an area of drainage for all lands tributary to, or carrying drainage from, land that is proposed to be subdivided.
- l) **Engineer** means the engineer of the Municipality and includes a person acting under the supervision and direction of the engineer.
- m) **Equivalent value** means cash or facilities, services or other value in kind related to parks, playgrounds, and similar public purposes or any combination thereof, determined by the Municipality to be equal to the value of the land required to be transferred to the Municipality for parkland purposes.
- n) **Flag lot** means a lot with a configuration that resembles a fully outstretched flag at the top of a flag pole and where the “pole” portion of the lot consists of a narrow strip of land providing access to a public or private street, road, or highway. The access strip shall have a minimum width of **12.2 metres (40 feet)** in accordance with the Shelburne District Municipal Planning Strategy. A lot with a “foot” at the end of the pole that meets the minimum lot frontage requirement shall also be considered a flag lot (see Figure 1).
- o) **Frontage** means the lot frontage and shall be measured in accordance with the requirements of the Municipality of the District of Shelburne Land Use By-law.
- p) **Infrastructure charge** means a charge levied on a subdivider as a condition of subdivision approval within a charge area for the purpose of recovering capital costs associated with new or expanded infrastructure related to central water, wastewater and storm water systems, streets and intersections, traffic signs, signals and bus bays required to service the charge area, along with any costs associated with land acquisition, surveying, studies and legal services.
- q) **Land Use By-law** means the Municipality of the District of Shelburne Land Use By-law.
- r) **Lot** means any parcel to be created by the filing of a plan of subdivision.
- s) **Manual** means the Municipal Services Specifications Manual of the Municipality of the District of Shelburne, or where no such manual has been adopted, the applicable provincial roadbuilding and servicing standards accepted by the Municipality until such time as a Municipal Services Specifications Manual is established.
- t) **Municipality** means the Municipality of the District of Shelburne.
- u) **Municipal Planning Strategy** means the Municipality of the District of Shelburne Municipal Planning Strategy.
- v) **Private road** means any road which:
 - i. is not public;
 - ii. is shown on an approved plan of subdivision;
 - iii. extends to and has access to a public street; and
 - iv. where not entirely located within the land being subdivided, is secured by an assignable and perpetual easement for right-of-way and access, granted by deed and registered in the Land Registration Office.
- w) **Professional engineer** means a registered member, in good standing, of the Association of Professional Engineers of Nova Scotia who holds appropriate professional liability insurance.

- x) **Proposed lot** means any lot being proposed to be created by a plan, including a remainder lot.
- y) **Province** means His Majesty the King in right of the Province of Nova Scotia.
- z) **Public street** includes any street or road owned and maintained by the Municipality or the province; and
 - i. municipal public street means any street or road owned and maintained by the Municipality of the District of Shelburne; and
 - ii. provincial public street means any street or road owned and maintained by the Nova Scotia Department of Public Works, excluding designated controlled access highways pursuant to Section 21 of the Public Highways Act.

- aa) **Remainder lot** means a lot for which subdivision approval is not requested or granted but which results from the approval of lots shown on a plan of subdivision.
- bb) **Right-of-way easement** means an easement for right-of-way and access unrestricted in use extending to and having access to a public street, and where not totally located within the area of land proposed to be subdivided, the right-of-way easement shall be assignable and perpetual and clearly granted by deed or easement registered in the Land Registration Office for this Municipality, or declared to exist for the benefit of the land proposed to be subdivided by order of a court of competent jurisdiction, and in either case the easement shall:
 - i. if created or declared to have been created prior to **(effective date of Bylaw)**, have a minimum width of 3 metres (9.84 feet), or
 - ii. if created or declared to have been created on or after **(effective date of Bylaw)**, have a minimum width of 6 metres (19.68 feet).
- cc) **Sanitary sewer** means a pipe or conduit receiving and carrying liquid and water-carried wastes and to which storm, surface or groundwaters are not intentionally admitted.
- dd) **Storm water** system means the courses and channels, including floodplains, which receive, carry and regulate flows in response to rain and snow including overland flows, sub-surface flows, groundwater flows and snow melt.
- ee) **Subdivider** means the owner of the area of land proposed to be subdivided and includes anyone acting with the owner's written consent.
- ff) **Subdivision** means the division of any area of land into two or more parcels and includes a re-subdivision or a consolidation of two or more parcels.
- gg) **Surveyor** means a registered member, in good standing, of the Association of Nova Scotia Land Surveyors.

6.0 General Requirements for Applications

6.1 Application form

- 6.1.1** Any application for approval of a concept, tentative or final plan of subdivision shall be made to the Development Officer in the form specified in Schedule A of this Subdivision By-law.
- 6.1.2** The Development Officer shall comply with all notification, circulation, and approval requirements established under this By-law and the Municipal Government Act.
- 6.1.3** All applications shall include both a hard copy and a digital copy of the plan of subdivision and all supporting documents. Digital submissions shall be provided in PDF format, or in another format acceptable to the Municipality.

6.2 Review by Agencies

- 6.2.1** When the Development Officer is satisfied that an application and a concept, tentative, or final plan of subdivision are complete, the Development Officer shall, where applicable, forward a copy of the plan to the following authorities:
- a) in areas not served by a central sewer, the Department of the Environment to determine compliance with the On-site Sewage Disposal Systems Regulations, except where the proposed lot
 - i. is greater than 9000 square metres (96,878.4 square feet), has a width of 76 metres (249.3 feet) or more, and the applicant has certified on the application that the proposed lot is not intended for a purpose requiring an on-site sewage disposal system; or
 - ii. contains an on-site sewage disposal system and is being increased in size, provided all other proposed lots shown on the plan meet the requirements listed in subsection 6.2.1 (a)(i);
 - b) in areas located within the central sewer servicing boundary identified in the Municipal Planning Strategy, including the Sandy Point / Shipyard service area, to the authority having jurisdiction over the municipal central sanitary sewer system.
 - c) any authority having jurisdiction for public streets within 500 metres of the boundaries of the proposed lots; and
 - d) any other agency of the province or the municipality which the Development Officer deems necessary.
- 6.2.2** The Development Officer shall forward a copy of the concept plan and any supplementary information to appropriate agencies to evaluate the concept plan in terms of:
- a) the design's consideration of topography, natural features, coastal conditions, watercourses, and any environmental or physical site constraints or restrictions;

- b) the street layout, private road configuration, pedestrian routes, phasing sequence, and connections with existing and proposed transportation links on a local and regional scale, including consideration of wildfire access requirements where applicable;
- c) the feasibility of servicing the subdivision with applicable services, including on-site water and sewer systems, central sewer service where available, stormwater management, and the potential effect of the development on existing municipal services and on the provision of future municipal services where applicable;
- d) the new or expanded infrastructure which may be required by the subdivision, including roads, drainage, wastewater, or any other municipal or utility infrastructure necessary to support the proposed development;
- e) public open space; and
- f) any proposed community and commercial uses.

6.2.3 Where a plan of subdivision is forwarded to the Department of Environment and Climate Change, the application shall include such information and documentation as may be required by that Department to determine compliance with the On-site Sewage Disposal Systems Regulations.

6.2.4 For a proposed lot that is being divided from an existing area of land that contains an existing on-site sewage disposal system, and is more than 9,000 square metres (96,878.36 square feet) in area with a width of 76 metres (249.34 feet) or more, the lot layout including buildings, driveway, on-site sewage disposal system and well shall be provided.

6.2.5 For a proposed lot 9,000 square metres (96,878.36 square feet) or less in area or with a width of less than 76 metres (249.34 feet) that is being created for a purpose that will not require the construction of an on-site sewage disposal system, the certification section of the application form must be completed.

6.2.6 A plan of subdivision that shows a proposed lot referred to in subsection 6.2.5 shall be forwarded to the Department of Environment for confirmation that the proposed lot does not require an on-site sewage disposal system.

6.3 Report by Agency

6.3.1 Any agency to which the Development Officer forwards the concept or tentative or final plan of Subdivision pursuant to section 6.2 may provide a written report of their assessments and recommendations to the Development Officer.

6.3.2 The Development Officer may not refuse or withhold approval of a plan of subdivision based on the assessment or recommendations made by the Department of Environment, the Department of Public Works or of any other agency of the Province or the Municipality unless the final plan of subdivision is clearly contrary to a law of the Province or regulation made pursuant to a law of the Province,

including any applicable requirements contained in a land use by-law or Subdivision By-law of the Municipality.

6.4 Notification to Subdivider

- 6.4.1 The Development Officer shall notify the Subdivider in writing of the results of the evaluation of the concept or tentative or final plan of Subdivision.
- 6.4.2 The Development Officer shall forward a copy of the approved tentative or final plan of subdivision to the subdivider and the surveyor.
- 6.4.3 The Development Officer shall forward a copy of the approved concept plan to the subdivider.

6.5 Notification of Refusal

- 6.5.1 Where the Development Officer refuses to approve a concept, tentative or final plan of subdivision, the Development Officer shall give notice of the refusal to all agencies which were forwarded a plan pursuant to section 6.2.
- 6.5.2 Where the Development Officer refuses to approve a concept, tentative or final plan of subdivision, the Development Officer shall inform the subdivider of the reasons for the refusal in writing and advise the subdivider of the appeal provisions of Section 284 of the Municipal Government Act.

6.6 Fees

- 6.6.1 The subdivider shall pay:
 - a) the fees required by the Municipality for filing an approved final plan of subdivision, certifying copies of the plan, and registering the notice of approval, as established by the Municipality's Fees Policy or applicable fee by-law. Where the Development Officer refuses to approve a final plan of subdivision, these fees shall be returned to the subdivider; and
 - b) any processing fees set by Council.

7.0 Lot Requirements

7.1 Abut Streets

7.1.1 All lots to be approved on a plan of subdivision shall abut:

- a) a public street; or
- b) a private road which was approved by the Engineer prior to the effective date of this By-law; or
- c) a private road that meets the requirements of Section 8.2 (Private Roads) and the accepted engineering practice provisions of this By-law;

7.1.2 This subsection implements Municipal Planning Strategy Policy 6.1.1.1 respecting lot access, and is intended to be read together with Municipal Planning Strategy Policies 4.2.7 through 4.2.10, which govern the creation and approval of public streets and private roads.

7.1.3 For the purposes of access only, a portion of a “K-class” road may be used, with the permission of the Nova Scotia Department of Public Works and subject to that department’s upgrading requirements, in conjunction with a private road to gain access to a public street.

7.2 Land Use By-law

7.2.1 All lots for which approval is requested and the remainder lot, if any, for which no approval is requested, shall meet the applicable requirements contained in the Land Use By-law, consistent with Municipal Planning Strategy Policy 6.1.1.1.

7.2.2 Subsections 7.1.1. (b), (c), Sections 7.3 (Variance 10%), 7.4 (Island lots), 7.6 (Right-of-way), 7.7 (Encroachments), and 7.8 (Main Building) are inoperative and do not apply unless the Land Use By-law permits development on any lot created pursuant to these sections and the Municipal Planning Strategy provides for both the subdivision and development of such lots.

7.3 Variance (10%), Section 279

7.3.1 Notwithstanding the lot area and frontage requirements of subsection 7.2.1 (Land Use By-law) the Development Officer may approve a maximum of two lots, shown on a plan of subdivision, in

accordance with Section 279 of the Act provided all other requirements of this Subdivision By-law are met. This subsection implements Municipal Planning Strategy Policy 6.1.1.2(3).

- 7.3.2** Subsection 7.3.1 does not apply if the area requirements established by the Department of Environment for the construction or installation of an on-site sewage disposal system are not met.

7.4 Island Lots Created

- 7.4.1** For the purposes of this section, “water frontage” means the distance measured as a straight line between the two points where the side lot lines meet a watercourse, and “area of land” means any lot or parcel as described by its boundaries as they existed on (*effective date of Bylaw*)
- 7.4.2** Notwithstanding Section 7.1 (Abut Streets) and the lot frontage requirements of subsection 7.2.1(Land Use By-law), the Development Officer may approve lots with access solely by water, including island or lakeshore lots, where such lots are intended for seasonal or low-intensity use and where no public road access is reasonably available.
- a) the area of land is located on an island;
 - b) each lot to be approved has 6 metres (19.68 feet) or more water frontage on a navigable waterway;
 - c) the proposed lots are capable of supporting the intended use in compliance with applicable provincial requirements, including on-site sewage disposal, where required.

7.5 Boundary Alteration

- 7.5.1** Notwithstanding Section 7.1 (Abut Public Street), and the lot area and frontage requirements of subsection 7.2.1(Land Use By-law), the Development Officer may approve a subdivision altering the boundaries of two or more areas of land where:
- a) no additional lots are created;
 - b) each resulting lot:
 - I. meets the minimum dimension for lot frontage of the Land Use By-law, or
 - II. has not had its frontage, if any, reduced;
 - c) each resulting lot:
 - i. meets the minimum lot area requirements of the Land Use By-law; or
 - ii. has not had its area reduced; and
- 7.5.2** Where the proposed lot is not surveyed, the final plan of subdivision prepared pursuant to subsection 7.5.1 shall:
- a) be certified and stamped by a Nova Scotia Land Surveyor that the boundaries of the parcel or area of land proposed to be added to the existing area of land have been surveyed and shown as a heavy solid line, except the common boundary between the existing areas of land, which is surveyed and certified as being the common boundary and shown as a heavy broken line; and

- b) notwithstanding subsection 16.1.3 (b), other than the new boundaries which have been surveyed pursuant to subsection 7.5.2(a), show the remaining boundaries of the resulting lot for which approval is requested described graphically as a lighter solid line; and
- c) have the following notation, completed and signed by the surveyor, affixed to the plan adjacent to the certification required by the Land Surveyors Act and its regulations:

"**NOTE:** The only boundaries shown on this plan which have been surveyed are the boundaries of _____. The common boundary between the existing areas of land identified by _____ and _____, which is shown by a heavy broken line, is hereby certified as having been the common boundary.

The remaining boundaries of resulting Lot _____ shown on this plan are a graphic representation only and do not represent the accurate shape or position of the lot boundaries which are subject to a field survey."

7.6 Right-of-Way (Lots on)

7.6.1 For purposes of this Section, "area of land" means any lot or parcel as described by its boundaries as they existed on *(effective date of Bylaw)* notwithstanding that the area of land has been subdivided subsequent to *(effective date of Bylaw)*, resulting in the creation of additional lots meeting the requirements of Section 7.1 (Abut Streets) and the lot frontage requirements of Subsection 7.2.1(Land Use By-law). contained in the Land Use By-law.

7.6.2 One lot that does not meet the requirements of Section 7.1 and the lot frontage requirements of Subsection 7.2.1(Land Use By-law) may be created within an area of land, provided the lot is served by a right-of-way easement as defined in subsection 5(bb), and provided no such lot has already been subdivided within the area of land.

7.6.3 Notwithstanding the limitation to one lot contained in subsection 7.6.2, two lots may be created, including any remainder lot, where

- a) the area of land does not abut a public street or private road, provided that each lot is served by a right-of-way easement as defined in subsection 5(bb); or
- b) the area of land has less than the frontage required by the Land Use By-law.

7.7 Encroachments

- 7.7.1** Notwithstanding the lot area and frontage requirements of subsection 7.2.1 where a development component of a permanent nature such as a structure, driveway, well, or on-site sewage disposal system is encroaching in or upon an immediately adjacent area of land, the Development Officer may approve a plan of subdivision to the extent necessary and practical to remove the encroachment.
- 7.7.2** Where a lot created pursuant to 7.7.1 (directly above) is not surveyed, the provisions of subsection 7.5.2 (Boundary Alteration) shall apply.

7.8 Main Buildings on a lot before **(effective date of Bylaw)**

- 7.8.1** For purposes of subsection 7.8.2, “main building” is a building which is not an accessory building to another building on the area of land.
- 7.8.2** Notwithstanding the lot area and frontage requirements of subsection 7.2.1 (Land Use By-law), where an area of land contains more than one main building built or placed on the land prior to **(effective date of Bylaw)**, the Development Officer may approve a final plan of subdivision creating the same number of lots or fewer as there are main buildings provided that each proposed lot is served by a central sanitary sewer or meets the applicable requirements of the Department of Environment.

7.9 Minimum Lot Width and Depth

- 7.9.1** Lots shall not be subdivided to create a width or depth of less than 6 metres (19.68 feet).

7.10 Rear Lot Lines

- 7.10.1** Wherever possible, the rear lot lines of a series of adjoining lots shall be continuous, not stepped or jogged.

7.11 Side Lot Lines

- 7.11.1** Wherever possible, side lot lines shall be substantially at right angles to a public street or private road, or radial to a curved public street or private road.

7.12 Flag Lots

- 7.12.1** Not more than three irregular shaped flag lots which rely on a shallow “foot” abutting the street to meet the lot frontage requirement shall be created within an area of land.

8.0 Municipal Public Streets and Private Roads

The provisions of this Section implement Municipal Planning Strategy Policies 4.2.7 through 4.2.10, respecting the creation, location, design, and approval of municipal public streets and private roads.

For the purposes of design and construction, roads and streets shall be planned and constructed in accordance with accepted engineering practice, which includes the *Standard Specifications for Highway Construction* and related standards published by the Nova Scotia Road Builders' Association, as amended from time to time, to the satisfaction of the Municipal Engineer.

Where the Municipality has adopted municipal engineering specifications, those specifications shall apply in addition to, or in place of, the Nova Scotia Road Builders' Association standards, as determined by the Municipal Engineer.

8.1 General

- 8.1.1** There shall be not more than four public street or private road approaches, or any combination thereof, in an intersection.
- 8.1.2** Where a public street or private road in an adjoining subdivision abuts the boundaries of a plan of subdivision submitted for approval, a public street or private road in the latter shall, if reasonably feasible, be laid out in prolongation of such public streets or private roads, unless it would be in violation of this By-law.
- 8.1.3** Where an area of land being subdivided abuts a vacant parcel, undeveloped remainder parcel or a parcel with a high likelihood of future infill development, redevelopment or intensification, the street layout of the proposed subdivision must provide for adequate future street and pedestrian connections to adjacent undeveloped or underdeveloped lands.

8.2 Private Roads

Private roads shall only be approved where permitted by the Municipal Planning Strategy and Land Use By-law and shall be evaluated in accordance with Municipal Planning Strategy Policies 4.2.8 through 4.2.10.

- 8.2.1** All proposed roads shall be:
- shown on a final plan of subdivision;
 - designed in accordance with **Appendix A – Road Design and Construction Standards** and accepted engineering practice, to the satisfaction of the Municipal Engineer.
 - Permitted by the Municipal Planning Strategy or Land Use Bylaw

8.2.2 Private roads shall be constructed in accordance with the approved design and the minimum specifications included in Appendix A.

8.2.3 The intersection of a private road with a public street shall be approved by the authority having jurisdiction for the public street.

The right-of-way for a new private road shall have a minimum width of:

- a) 15.24 metres (50 feet), unless a greater width is required by the Municipal Engineer; or
- b) a lesser width accepted by the Municipal Engineer.

8.2.4 Prior to approval of the final plan of subdivision by the Development Officer, the subdivider shall provide a certificate from a professional engineer which shows compliance with the design and construction requirements of subsection 8.2.1 and 8.2.2.

8.2.5 The specifications referred to in subsection 8.2.1 and 8.2.2. may be waived or varied by the Engineer in accordance with accepted engineering practice.

8.2.6 A private road may be approved as a separate lot on a plan of subdivision and is deemed to meet minimum lot area and lot frontage requirements of subsection 7.2.1.

8.2.7 Where the boundary of a private road shown on a plan of subdivision is not intended to be a lot boundary, it shall be shown as a lighter solid line or a dashed line.

8.2.8 No part of a private road shall be included in the calculation of lot area for the purposes of meeting the lot area requirements of subsection 7.2.1.

8.3 Public Streets

8.3.1 No proposal for a new municipal public street shall be considered by the Development Officer unless Council has first approved, in principle, the creation and future municipal ownership of the street. All proposed municipal public streets shall be:

- a) shown on a final plan of subdivision;
- b) designed in accordance with the accepted engineering practice;
- c) constructed and paved in accordance with the construction standards of the Nova Scotia Road Builders Association prior to approval of the final plan of subdivision by the Development Officer; and
- d) approved by the Engineer prior to approval of the final plan of subdivision by the Development Officer.

- 8.3.2** The specifications referred to in subsections 8.3.1 (b) and (c) may be waived or varied by the Engineer in accordance with accepted engineering practice.
- 8.3.3** The minimum right-of-way for a municipal public street is 20 metres unless Council, on Engineer's recommendation, accepts a lesser width.
- 8.3.4** Where a proposed municipal public street intersects a provincial public street, that intersection shall be approved by the Department of Public Works.
- 8.3.5** A proposed lot which abuts a public street shall have adequate stopping sight distance approved by the authority having jurisdiction for the public street which will be accessed.
- 8.3.6** Where a plan of subdivision shows a proposed lot abutting an existing public street, the Department of Public Works. or the Municipality, as the case may be, shall verify that the street is a public street.
- 8.3.7** A right-of-way access to adjacent property must be provided and conveyed to the Municipality. Where practical, these accesses shall be no greater than 400 metres (1,312 feet) apart, except where this requirement would prejudice the proper subdivision of the land proposed to be subdivided or the adjacent land.
- 8.3.8** Prior to approval of the final plan of subdivision by the Development Officer, the subdivider shall provide a certificate from a professional engineer which certifies that the public street has been constructed in compliance with the design and construction requirements of subsections 8.3.1 (b) and (c).
- 8.3.9** The subdivider shall be responsible for the following:
- a) arranging for complete testing of the installation of a street at various stages as required by the Manual; and
 - b) giving reasonable notice to the Engineer of the proposed test date, site, and time; and
 - c) allowing the Engineer to inspect the installation at any stage or to verify or confirm any required test.
- 8.3.10** As an alternative to the complete construction and acceptance of a municipal public street as required by subsections 8.3.1 to 8.3.9 and 12.3, the subdivider may, before approval of the final plan is given, enter into a written agreement with the Municipality in accordance with subsection 12.1, and post a performance surety in accordance with subsection 12.2.

9.0 Water Supply System

9.1 Central Water Supply Systems

9.1.1 Where lots are proposed to be connected to an existing public water system, including systems owned and operated by another municipality or water utility, the subdivider shall, prior to approval of the final plan of subdivision by the Development Officer:

- a) construct a water system including mains and laterals to the boundary of the proposed lots and connect to the public water system, where such connection is permitted by the authority having jurisdiction; and
- b) ensure that all water systems required by subsection 9.1.1(a) are designed by a Professional Engineer in accordance with accepted engineering practice and applicable provincial standards.

9.2 Accepted Engineering Practice

9.2.1 The specifications referred to in subsections 9.1.1 (b) herein may be waived or varied by the Engineer in accordance with accepted engineering practice.

9.3 Engineer's certificate of compliance

9.3.1 Prior to approval of the final plan of subdivision by the Development Officer, the subdivider shall provide a certificate to the Development Officer from a professional engineer which certifies that the developer has complied with the design and construction requirements of subsections 9.1.1 (b) and section 9.2.

9.4 Testing of Services

9.4.1 The Subdivider shall be responsible for the following:

- a) arranging for all required testing of water system components at the stages specified by the Municipal Engineer; and
- b) giving reasonable notice to the Engineer of the proposed test date, site, and time; and
- c) allowing the Engineer to inspect the installation at any stage or to verify or confirm any required test.

9.5 Alternative to complete construction

9.5.1 As an alternative to the complete construction and acceptance requirements for water system, as contained in subsections 9.1, 9.2, 9.3, 9.4 and 12.3, the subdivider may, before endorsement of approval of the final plan is given, enter into a written agreement with the Municipality as provided for in subsection 12.1, and post a performance surety as provided for in subsection 12.2

10.0 Sewer Systems

10.1 Central Sanitary Sewer Systems

10.1.1 Where a new public street is proposed within an area identified as being within the municipal servicing boundary in the Municipal Planning Strategy Policy 5.3.7, the subdivider shall, prior to approval of the final plan of subdivision by the Development Officer:

- a) construct a sanitary sewer system including collectors and laterals to the boundary of the proposed lots and connect to the existing central sanitary sewer system;
- b) all sanitary sewer systems required by subsections 10.1.1 (a) shall be designed by a Professional Engineer in accordance with accepted engineering practice and all applicable provincial standards.

10.2 Accepted Engineering Practice

10.2.1 The specifications referred to in subsections 10.1.1 (b) herein may be waived or varied by the Engineer in accordance with accepted engineering practice.

10.3 Engineer's certificate of compliance

10.3.1 Prior to approval of the final plan of subdivision by the Development Officer, the subdivider shall provide a certificate to the Development Officer from a professional engineer which certifies that the developer has complied with the design and construction requirements of subsections 10.1.1 (b) and section 10.2.

10.4 Testing of Services

10.4.1 The Subdivider shall be responsible for the following:

- a) arranging all required testing of the sanitary sewer system at the stages specified by the Municipal Engineer; and
- b) giving reasonable notice to the Engineer of the proposed test date, site, and time; and
- c) allowing the Engineer to inspect the installation at any stage or to verify or confirm any required test.

10.5 Alternative to complete construction

10.5.1 As an alternative to the complete construction and acceptance requirements for sewer system, as contained in subsections 10.1.1, 10.2,10.3 , 10.4 and 12.3, the subdivider may, before endorsement of approval of the final plan is given, enter into a written agreement with the Municipality as provided for in subsection 12.1, and post a performance surety as provided for in subsection 12.2.

11.0 Storm Water Drainage System

The stormwater management requirements of this Section implement Municipal Planning Strategy Policies 5.3.5 and 5.3.6 respecting drainage, erosion control, and protection of downstream properties.

11.1 Storm water drainage system design and installation requirements

11.1.1 A stormwater management plan shall be required only where a subdivision involves the construction or extension of a public street or private road, or where the Municipal Engineer determines that stormwater impacts require mitigation.

11.1.2 The subdivider shall install a storm water system in conformance with a drainage plan, properly designed by a professional engineer, to remove any surface drainage that may enter the area being subdivided or be generated within the proposed subdivision, and to adequately dispose of the waters so as not to negatively affect any downstream properties

11.1.3 The stormwater management plan shall be prepared and stamped by a Professional Engineer. The plan and all associated stormwater works shall comply with accepted engineering practice, applicable provincial and federal requirements, and shall be subject to review by Nova Scotia Environment and Climate Change and by the Municipality.

11.1.4 Where approval is being sought for five (5) or more lots, including four lots and a remainder, the Subdivider shall provide a storm water management plan for the entire area of land to be subdivided.

11.2 Contents of Stormwater Management Plan (As required)

11.2.1 The subdivider shall install a storm water system in conformance with a drainage plan, properly designed by a professional engineer, to remove any surface drainage that may enter the area being subdivided or be generated within the proposed subdivision, and to adequately dispose of the waters so as not to negatively affect any downstream properties.

a) a drainage plan showing existing and proposed drainage patterns;

- b) a grading plan showing the conveyance of runoff to a stable outlet or established drainage course;
- c) stormwater calculations based on the full development of the site;
- d) proposed measures to prevent increased peak runoff flows to downstream properties;
- e) measures to preserve existing natural watercourses and minimize erosion;
- f) identification of any off-site impacts and required mitigation; and
- g) any other information required by the Engineer.

11.2.2 The storm water management plan shall be prepared and stamped by a Professional Engineer and may be subject to review by Nova Scotia Environment and Climate Change and the Municipality.

11.3 Accepted Engineering Practice

11.3.1 The specifications referred to in subsection 11.1.2 and subsection 11.2.1 herein may be waived or varied by the Engineer in accordance with accepted engineering practice.

11.4 Engineer's certificate of compliance

11.4.1 Prior to approval of the final plan of subdivision by the Development Officer, the subdivider shall provide a certificate to the Development Officer from a professional engineer which certifies that the developer has complied with the design and construction requirements of sections 11.1 and 11.2.

11.5 Testing of Services

11.5.1 The Subdivider shall be responsible for the following:

- a) arranging for all required testing of stormwater drainage components at stages specified by the Municipal Engineer; and
- b) giving reasonable notice to the Engineer of the proposed test date, site, and time; and
- c) allowing the Engineer to inspect the installation at any stage or to verify or confirm any required test.

11.6 Alternative to complete construction

11.6.1 As an alternative to the complete construction and acceptance requirements for storm water drainage systems, as contained in Subsections 11.1, 11.2, 11.3 , 11.4 and 12.3, the subdivider may, before endorsement of approval of the final plan is given, enter into a written agreement with the Municipality as provided for in subsection 12.1, and post a performance surety as provided for in subsection 12.2.

12.0 Construction of Services

12.1 Servicing Agreement

12.1.1 Where an agreement is entered into between the subdivider and the Municipality pursuant to subsections 8.3.10, 9.5, 10.5 and 11.6, the agreement shall contain provisions satisfactory to the Municipality with respect to any or all of the following:

- a) the time within which any construction of streets and services shall be commenced and completed;
- b) the phasing of any construction of streets and services;
- c) the acceptance of any streets and services by the Municipality;
- d) the provision and acceptance of easements and rights-of-way; and
- e) any other matter related to the requirements of this By-law and the Municipal Planning Strategy and Land Use By-law relative to the subdivision and servicing of land.

12.2 Performance Surety

12.2.1 Where a subdivider proposes to complete construction of any streets, sewer, or water services after receiving approval of any final plan of subdivision, the following shall be required:

- a) the subdivider shall post a performance surety, satisfactory to the Municipality, in the amount of one hundred twenty five percent (125%) of the estimated cost to complete the streets and services;
- b) the subdivider shall submit to the Development Officer for approval an estimate of costs, prepared by a Professional Engineer to complete the construction of the streets and services and the Development Officer may revise the estimate if it is, in the opinion of the Municipal Engineer, inadequate, and the decision of the Municipal Engineer shall be final. Such estimates shall include all construction related costs including but not limited to professional engineering contract management and site supervision and inspection of all construction and work;
- c) the performance surety shall be posted before approval of any final plan of subdivision is given by the Development Officer;
- d) the performance surety shall be in favour of the Municipality and may be in the form of cash, certified cheque or letter of credit, or bond issued by a bank, surety, or guarantee company licensed by the Province of Nova Scotia and conditional on the execution and completion of the agreement in accordance with terms of the agreement and the requirements of this By-law and shall not be subject to cancellation, termination, or expiration during the period of time for completion of the work;
- e) where the performance surety is paid in cash or by certified cheque, the cheque will be cashed and all monies paid in cash will be held by the Municipality and returned without interest to the subdivider upon completion of the work;

- f) where the Engineer determines that the work is substantially complete, the Municipality may, in its sole discretion, return a portion of the performance surety, less any amount held back for deficiencies, prior to complete construction by the subdivider and acceptance by the Municipality; and
- g) where construction of the proposed streets and services does not commence within twelve (12) months of the date of approval of the final plan of subdivision and according to the approved time schedule, the subdivider shall forfeit the performance surety.

12.3 Acceptance Requirements

12.3.1 Within thirty (30) days following completion of any public streets and services and prior to acceptance by the Municipality of any streets and services, the subdivider shall:

- a) post a maintenance bond or guarantee, satisfactory to the Municipality, in an amount equal to ten percent (10%) of the actual cost of construction of the streets and services, in a form acceptable to the Municipality, as determined by the Municipal Engineer using accepted engineering practice
- b) provide the reproducible record drawings of engineering design showing all the actual constructed systems including sanitary sewers, water systems, and storm drainage;
- c) provide “as built” reproducible engineering design drawings in paper and digital formats for the street including plan and profile of streets drawn to the required scale and certified by a professional engineer;
- d) provide the results of all test reports, and all operating and procedural manuals for each central water or central sewer system, demonstrating that the required streets and systems have been constructed and are operating according to the standards set out in this By-law and Municipal engineering requirements;
- e) provide four (4) copies of the final plan of subdivision showing the municipal public streets and all drainage rights-of-way outlined in red, road reserves outlined in yellow, and easements outlined in green;
- f) provide deeds, easements, or bills of sale to the Municipality, free of encumbrances, for streets, rights-of-way, easements, and services. All conveyances of real property and easements shall be by warranty deed or warranty easement, conveyances of services shall be by warranty bill of sale, and the subdivider shall provide to the Municipality from his or her legal counsel a solicitor’s certificate of title certifying that all property conveyed is free from all encumbrances. In the event that the conveyance is not free from encumbrances, an unqualified undertaking from the subdivider’s solicitor to release the encumbrances may be accepted by the Municipality;
- g) pay all document registration and other costs associated with the requirements of this section; and
- h) all completed forms required under the Land Registration Act to record documents at the Land Registration Office

13.0 Public Open Space

The public open space dedication requirements of this Section implement Municipal Planning Strategy Policy 6.1.1 and the parkland dedication provisions of the Municipal Government Act.

13.1 Dedication Required

13.1.1 Prior to approval of a final plan of subdivision, the subdivider shall provide to the Municipality a cash contribution in lieu of land dedication equal to five percent (5%) of the market value of the lots to be approved, as determined by the Property Valuation Services Corporation or its successor, exclusive of streets, easements, and any remainder lands.

13.1.2 Funds collected pursuant to this Section shall be used by the Municipality for the acquisition, improvement, operation, or maintenance of parks, playgrounds, trails, or other public open-space or recreational purposes.

13.1.3 Council may waive or reduce the cash-in-lieu requirement where it determines that the subdivision does not generate additional recreational demand or where an alternative contribution provides equivalent community benefit.

13.2 No Open Space Fees Required

13.2.1 Section 13.1 regarding the provision of open space shall not apply:

- a) to the consolidation or re-subdivision of land where no additional lots are created; or
- b) to a subdivision that does not create additional development potential, as determined by the Development Officer, including boundary adjustments made solely to resolve encroachments or clarify title; or
- c) to a subdivision that creates a single additional lot containing an existing dwelling, where the subdivision does not increase the overall number of dwelling units permitted on the remainder of the lands under the Land Use By-law.

14.0 Concept Plans of Subdivision

14.1 Concept Plan Requirements

14.1.1 Where an area of land is being subdivided in phases or will contain new public streets , a subdivider shall submit to the Development Officer six (6) copies and one (1) digital copy of a concept plan of the entire area of land, unless additional copies are requested by the Development Officer.”

14.1.2 Concept plans shall be at a scale sufficient for clarity of all particulars of the plan and shall show the following:

- a) the words “Concept Plan” located in the title block, along with an estimated lot yield figure, based on the requirements of the Land Use By-law and the Department of the Environment, as applicable;
- b) name of the property owner(s) and names of all abutting land owners;
- c) the unique parcel identifier (PID) for all areas of land being subdivided;
- d) the proposed internal street system with connections to existing streets;
- e) the location of all watercourses and wetlands within and adjacent to the area of land, any prominent rock formation, wooded area, area subject to flooding and any other prominent natural feature which might affect the provision or layout of central sanitary sewer systems, storm water systems, central water distribution systems, or public streets and private roads;
- f) the proposed location of public open space;
- g) the location of existing development, if any;
- h) the location of any municipal service boundary;
- i) the proposed subdivision phasing sequence;
- j) the north point;
- k) contours at 5 metre (16.40 foot) intervals; and
- l) any other information the Development Officer deems necessary to determine if the subdivision meets with municipal standards and accepted engineering practice as determined by the Engineer.

14.1.3 The concept plan shall be accompanied by a traffic impact study, prepared by a qualified traffic or transportation engineer registered with the Association of Professional Engineers of Nova Scotia in accordance with the Department of Public Works’ Guide for the Preparation of Traffic Impact Studies.

14.1.4 Approval of a concept plan lapses if a complete application for tentative or final subdivision plan approval is not received within two (2) years of the date of approval of the concept plan.

14.1.5 Where a concept plan is required under this By-law:

- a) no tentative or final plan of subdivision shall be approved that is inconsistent with the approved concept plan.

14.2 Concept Plan Procedure

14.2.1 The procedure for processing Concept plans of subdivision is contained in Section 6: General Requirements for Applications.

14.2.2 The following information shall be stamped or written and completed by the Development Officer on any concept plan which is approved:

- a) "This concept plan is approved. Such approval lapses if a tentative or final subdivision plan is not submitted for approval within two years of the date of approval of the concept plan."
- b) the date of the approval of the concept plan; and
- c) "This concept plan shall not be filed in the Land Registration Office as no subdivision takes effect until a final plan of subdivision is approved by the Development Officer and filed in the Land Registration Office"

15.0 Tentative Plans of Subdivision

15.1 Tentative Plan Requirements

15.1.1 A person proposing to subdivide an area of land may submit to the Development Officer ten (8) copies and one (1) digital copy of a tentative plan for the proposed subdivision meeting the requirements of subsection 15.1.2 , 15.1.3 and 15.1.4 of this By-law.

15.1.2 Tentative plans of subdivision submitted to the Development Officer shall be:

- a) drawn to a scale or scales sufficient for clarity of all particulars on the tentative plan of subdivision;
- b) based on a description of the area of land to be subdivided, preferably but not necessarily as surveyed; and
- c) folded to approximately 20x30 cm (8x12 in.) with the face of the folded print being the title block which is located in the lower right-hand corner of the tentative plan of subdivision.

15.1.3 Tentative plans of subdivision shall show the following:

- a) the words "Plan of Subdivision" located in the title block;
- b) the words "Tentative Plan" located above the title block;
- c) a clear space for stamping being a minimum of 225 square centimetres (36 square inches) with a minimum width of 8 centimetres (3 inches);
- d) the name of the subdivision, if any, and the name of the owner of the area of land;
- e) if applicable, the book and page number of the deed to the area of land as recorded in the name of the owner in the Land Registration Office for this Municipality;
- f) the unique Parcel Identifier (PID) of all areas of land being subdivided;
- g) the civic number of main buildings on the area of land being subdivided;

- h) the names of all owners or the identifiers of all properties abutting the proposed subdivision;
- i) a location map, drawn to a scale not smaller than 1:50,000 (such scale to be shown on the map), preferably with the same orientation as the area of land and, if possible, showing the location of the closest community to the area of land proposed to be subdivided;
- j) the shape, dimensions, and area of the proposed lots;
- k) each proposed lot identified by a number, except in cases where a parcel is being added to or subtracted from an existing area of land, in which case the parcel shall be identified by a letter and the new lot identified by the existing area of land identifier, where applicable, and the letter;
- l) no duplication of lot identifiers;
- m) the boundaries of proposed lots shown by solid lines, and the vanishing boundaries of existing areas of land being resubdivided, consolidated, or both, shown as broken lines;
- n) the location of existing buildings within 10 metres (32.81 feet) of a property boundary;
- o) the location of existing and proposed public streets and private roads;
- p) the name of existing and proposed public streets (and the public street number) and private roads, as issued pursuant to the civic addressing system;
- q) the width and location of railroads and railway rights-of way;
- r) the general location of watercourses, wetlands, or prominent rock formations;
- s) the width, location, and nature of any easements on or affecting the area of land proposed to be subdivided;
- t) where applicable, a notation stating the lots are serviced by a central sewer and/or water system;
- u) the north point;
- v) the scale to which the plan of subdivision is drawn;
- w) the date on which the plan of subdivision was drawn and the date of any revisions; and
- x) any other information which the Development Officer deems necessary to determine whether or not the plan of subdivision conforms to this By-law.

15.1.4 Where the tentative plan of subdivision is forwarded to the Department of Environment, the plan shall meet the requirements of subsections shall meet the requirements of subsections 6.2.3, 6.2.4 and 6.2.5 the proposed on-site sewage disposal system, selected or designed shall be identified.

15.1.5 In addition to meeting the requirements of subsection 15.1.2, 15.1.3 and 15.1.4, where the proposed lots front on a proposed public street or proposed private road, a tentative plan of subdivision shall:

- a) show a boundary survey of the area of land proposed to be subdivided, excluding the remainder lot, certified and stamped by a Nova Scotia Land Surveyor in the manner required by the Land Surveyors Act and its regulations;
- b) be accompanied by four (4) copies and a digital copy of a plan showing
 - (i) contours at 2 metre (6.56 foot) intervals, and drainage patterns;
 - (ii) the width and location of proposed public streets and private roads, and their intersection with existing public streets; and

- (iii) the location of existing and proposed central sewer and water systems and proposed connections thereto; and
- c) be accompanied by four (4) copies and a digital copy of centerline profiles of proposed public streets or private roads;
- d) be accompanied by four (4) copies and a digital copy of a storm drainage plan applying acceptable engineering practices for the proper removal of surface drainage from the proposed subdivision and in compliance with subsection 11.1;
- e) be accompanied by any other information which the Development Officer deems necessary to determine whether the plans referred to in subsections 15.1.5 (b), (c), and (d) conform to this By-law.
- f) Where plans or drawings or centerline profiles are prepared by or under the supervision of a professional engineer, they shall be signed and sealed by the professional engineer in accordance with the Engineering Profession Act.

15.2 Tentative Plan Procedure

15.2.1 The procedure for processing tentative plans of subdivision is contained in Section 6: General Requirements for Applications.

15.2.2 The following information shall be stamped or written and completed by the Development Officer on any tentative plan of subdivision which is approved together with any other information, including conditions, necessary for the tentative plan to proceed to the final plan stage:

- a) “This tentative plan of subdivision is approved for Lots _____. Such approval lapses if the lots are not shown on a final plan of subdivision approved within two years of the date of the approval of the tentative plan.”;
- b) the date of the approval of the tentative plan; and
- c) “This tentative plan of subdivision shall not be filed in the Land Registration Office as no subdivision takes effect until a final plan of subdivision is approved by the Development Officer and filed in the Land Registration Office.”

16.0 Final Plans of Subdivision

16.1 Final Plan Requirements

- 16.1.1** A subdivider proposing to subdivide an area of land shall submit an application in the form specified in Schedule “A” of this By-law together with six (6) copies and one (1) digital copy of the final plan of subdivision meeting the requirements of subsection 16.1.3 and 16.1.4 of this By-law to the Development Officer for approval.
- 16.1.2** A final plan of subdivision submitted for approval shall be accompanied by any security or bonds required to be posted under this By-law.
- 16.1.3** Final plans of subdivision submitted to the Development Officer shall be:
- drawn to a scale or scales sufficient for clarity of all particulars of the final plan of subdivision;
 - certified and stamped by a Nova Scotia Land Surveyor that the lots for which approval is requested and any proposed street and road have been surveyed in the manner required by the Land Surveyors Act and its regulations, except for a final plan of subdivision prepared pursuant to subsection 7.5.2 of this By-law; and
 - folded to approximately 20 x 30 centimetres (8 x 12 inches) with the face of the folded print being the title block which is located in the lower right-hand corner of the final plan of subdivision.
- 16.1.4** Final plans of subdivision shall meet the requirements of subsections 15.1.3, 15.1.4 and 15.1.5, except that:
- subsection 15.2.3 (b) does not apply;
 - proposed streets and roads shall be surveyed; and
 - the geographical and mathematical location of all buildings within 3 metres (9.8 ft) of a proposed boundary shall be shown.
 - For a proposed lot that will have access to a provincial public highway, the final plan of subdivision may be accompanied by or show stopping sight distances information in the form specified in Schedule “E” completed by a Nova Scotia Land Surveyor or the authority having jurisdiction.

16.2 Final Plan Procedure

- 16.2.1** The procedure for processing final plans of subdivision is contained in Section 6: General Requirements for Applications.

16.2.2 Before approving a final plan of subdivision that adds or consolidates parcels or areas of land in different ownerships, the Development Officer shall be provided with:

- a) the executed deeds suitable for registering to effect the addition or consolidation;
- b) the fees for registering the deeds;
- c) the affidavit of value including particulars of any exemption, if any, pursuant to Part V of the Act;
- d) where applicable, the deed transfer tax; and
- e) all completed forms required under the Land Registration Act to record documents at the Land Registration Office

16.2.3 A final plan of subdivision showing lots to be approved under circumstances described in subsection 287(3) of the Act by special note on the plan shall

- a) identify such lots;
- b) state the names of the grantor and the grantee of such lots; and
- c) state the date, book and page number of the conveyance of such lots as recorded in the Land Registration Office

16.2.4 The following information shall be stamped or written and completed by the Development Officer on any final plan of subdivision which is approved:

- a) "This final plan of subdivision is approved for Lots _____";
- b) where applicable,
 - i. " _____ (is,are) suitable for the
(lot(s) approved and/or remainder)
construction or installation of an on-site sewage disposal system for
_____ and any conditions
(proposed use)
which apply are contained in a report dated _____ and available from the
Department of the Environment.", or
 - ii. "IMPORTANT NOTICE
_____ (has, have) been created for a
(lot(s) approved and/or remainder)
purpose which does not require an on-site sewage disposal system and will not be eligible for a
permit to install a system unless the requirements of the Department of the Environment are
met."; or
 - iii. _____ (is,are) served by an existing
(lot(s) approved and/or remainder)
on-site system and should a replacement system become necessary in future, approval of the
replacement system from the Department of the Environment is required".
- (c) where applicable,

- i. a notation stating that access to the public street as shown has been approved for the lots created by this final plan and any conditions which apply are listed on the plan or are contained in a report dated _____, available from the authority having jurisdiction for public streets;
- ii. where a lot which abuts a public street does not have an approved access point along the street, a notation stating that direct access to the street is not permitted; and
- iii. where there are private roads which are not to be owned and maintained by the Department of Public Works or the Municipality, the words “The following private roads are not owned or maintained by the Department of Public Works or the Municipality and are not entitled to any provincial or municipal services including grading, ditching, snow plowing, gravelling, school busing, and garbage collection:

_____”.

16.2.5 Within seven days of approving the plan, the Development Officer shall forward to the Land Registration Office:

- a) five (5) approved copies of the final plan of subdivision and a notice of approval in the form specified in Schedule “B” of this By-law; and
- b) if applicable, the items required by subsection 16.2.2 of this By-law.

17.0 Repeal of a Plan of Subdivision

17.1 Repeal of any or all lots approved application

17.1.1 Where a plan of subdivision has been approved, the approval may be repealed for any or all the lots created by the plan of subdivision.

17.1.2 Any person requesting the appeal of a plan of subdivision shall submit to the Development Officer an application in the form specified in Schedule “C”.

17.2 Notification and Approval

17.2.1 The notification and approval provisions of the Act which apply to the approval of a plan of subdivision shall also apply to a repeal.

17.2.2 Notwithstanding Subsection 17.2.1, the notification and approval provisions of the Act do not apply to a repeal respecting a plan of subdivision to consolidate two or more parcels for which no deed to effect

the consolidation has been registered in the Land Registration Office, provided that the applicant certifies that to the applicant's knowledge no deed to effect the consolidation exists.

17.3 Application to review agencies

17.3.1 When the Development Officer is satisfied that an application for repeal is complete, the Development Officer may forward a copy to any agency who provided an assessment or recommendations on the original plan of subdivision.

17.4 Buildings on subject lands

17.4.1 Where buildings have been erected on the subject lands after the date of the subdivision approval sought to be repealed, no repeal shall be granted which would cause these buildings to be in violation of any building code regulations, land use by-law, or sewage disposal regulations unless the violation can be rectified by the approval of a new plan of subdivision filed at the Land Registration Office on the same day as the repeal is filed.

17.5 Sections do not apply

17.5.1 Sections 6 to 16 inclusive of this By-law do not apply to the repeal of a plan of subdivision.

17.6 Repeal to Land Registration Office, Copy to subdivider and review agencies

17.6.1 The Development Officer shall forward to the Land Registration Office the repeal in the form specified in Schedule "D".

17.6.2 The Development Officer shall forward a copy of the repeal referred to in subsection 17.6.1 to:

- a) the subdivider; and
- b) any agency who provided an assessment or recommendations on the original plan of subdivision.

17.7 Fees

17.7.1 At the time of application for the repeal of a subdivision, the subdivider shall submit to the Development Officer:

- a) the fees contained in the Costs and Fees Act, and its regulations for registering a repeal of a plan of subdivision; and
- b) the processing fee set by the Council.

17.7.2 Where the Development Officer refuses to repeal a subdivision, the Development Officer shall return the fees referred to in subsection 17.7.1 (a) to the subdivider.

17.8 Notice of Refusal to review agencies

17.8.1 Where the Development Officer refuses to repeal a plan of subdivision, the Development Officer shall give notice of the refusal to the subdivider and to all agencies which were forwarded the application for repeal pursuant to subsection 17.2.2.

18.0 Instruments of Subdivision

18.1 General

18.1.1 In accordance with the Municipal Government Act and the Provincial Subdivision Regulations, a subdivider may, in limited circumstances, apply to subdivide land by an Instrument of Subdivision rather than by a Tentative or Final Plan of Subdivision.

18.1.2 n Instrument of Subdivision is intended for occasional, simple rural lot creation and boundary adjustments in the Rural Resource (RR) Zone only, and shall not be used as a substitute for a plan of subdivision where a more detailed review is required.

18.2 Condition of Use

18.2.1 A subdivider may apply for subdivision by instrument only where the following conditions are met:

- a) The land is located within the Rural Resource (RR) Zone and is outside any municipal water or wastewater servicing boundary identified in the Municipal Planning Strategy.
- b) Each lot created by instrument shall:
 - i. has a minimum area of 5 acres (20,234 m²);
 - ii. be capable of containing a 76-metre diameter circle within the boundaries; and
 - iii. meet the minimum width requirements for on-site sewage disposal as determined by the Department of Environment.
- c) Each lot created shall front on an existing public street or an existing private road that meets section 8.2 of this By-law. No new roads may be created or extended through an instrument;
- d) No more than three (3) new lots may be created from any area of land that existed on the effective date of this By-law using the instrument process, whether through a single instrument or multiple instruments.
- e) All lots must be capable of supporting an on-site sewage disposal system unless they are specifically being increased in size and the remainder lot meets all applicable requirements.

- f) The Development Officer may refuse an instrument where the location, topography, wetlands, coastal features, or access conditions require a more detailed engineering review.

18.3 Submission Requirements

18.3.1 An Instrument of Subdivision shall:

- a) be prepared, signed, and sealed by a Nova Scotia Land Surveyor;
- b) include a location map, key dimensions, frontage, access point, and any easements;
- c) identify any existing development within 10 metres of proposed boundaries;
- d) be accompanied by any documentation required by the Department of Environment for on-site sewage approval.

18.3.2 The Development Officer may request additional information where necessary to determine compliance with this By-law.

18.4 Approval and Filing

18.4.1 The Development Officer may approve an Instrument of Subdivision only where the criteria of subsection 18.2.1 and 18.3.1 are satisfied.

18.4.2 Following approval, the instrument shall be filed in the Land Registration Office in accordance with the Municipal Government Act.

19.0 Effective Date

19.1 Effective Date

19.1.1 This Subdivision By-law comes into effect on the date it is approved by Council and advertised in accordance with the Municipal Government Act.

Appendix “A” – Road Design and Construction Standards

GENERAL DESIGN REQUIREMENTS

Requirement	Standard
Professional design	All new roads must be designed by a Professional Engineer.
Purpose	Roads must provide safe access, emergency vehicle passage, adequate drainage, and integrate with existing networks.
Required drawings	Plan & profile, cross-sections, drainage design, culvert sizing, materials, grades, sight distances.
Applicable standards	Accepted engineering practice & provincial standards apply unless varied by the Municipal Engineer.

RIGHT-OF-WAY WIDTHS

Road Type	Minimum Right-of-Way	Notes
Private Road	20 m	A reduced width may be approved under Section 8.2.1.

ROADWAY GEOMETRY

Element	Standard	Notes
Maximum grade	12% (private road)	Shall allow safe passage year-round.
Vertical curves	Must satisfy DPW stopping sight distance	Sight distance must meet Schedule E.

PRIVATE ROADS

Component	Minimum Standard
Travelled way	6.0 m
Shoulders	0.5 m

Component	Minimum Standard
Drainage	Ditches unless engineered alternative
Surface	Gravel or asphalt, must support emergency vehicles

INTERSECTIONS & ACCESS

Requirement	Standard
Maximum roads per intersection	4 roads (public + private combined).
Intersection spacing	≥ 100 m unless Engineer approves a lesser distance.
Provincial highway intersections	Must be approved by NSPW.
Stopping sight distance	Must meet Schedule E .

MUNICIPALITY OF THE DISTRICT OF SHELBURNE SUBDIVISION BYLAW

CERTIFICATION - ON-SITE NOT REQUIRED (unserved areas)

I certify that _____ (is, are) being subdivided for a purpose (_____
 (Lot(s) being approved and/or remainder lot)

(Specify purpose)

which will not require the installation of an on-site sewage disposal system.

SIGNATURE: _____

Declaration: I CERTIFY THAT I AM THE OWNER OR AM ACTING WITH THE OWNERS WRITTEN CONSENT.

Signature of Applicant(s): _____ Date: _____

SPACE BELOW FOR OFFICE USE ONLY

Plan Received:		Application Complete:	Plans Approved:
Plans Reviewed By:			Land Registry Use
Sent		Received	S/D Plan#
	Department of Transportation		Voluntary Registration
	Department of Environment		<input type="checkbox"/> Yes <input type="checkbox"/> No
	Public Works Department		Affidavit of Family Gifting attached
	Assessment		<input type="checkbox"/> Yes <input type="checkbox"/> No
	Registration Fee		Previous Subdivision Approval
	5% Open Space Fee		<input type="checkbox"/> Yes <input type="checkbox"/> No
	LIMS		Previous Plan Number:
	GIS Technician		Zone:
	Municipal Finance Department		PID:
	Canada Post		

Schedule "B" – Notice of Approval

**NOTICE OF APPROVAL
IN ACCORDANCE WITH SECTION 285(1)(3) OF
THE MUNICIPAL GOVERNMENT ACT**

Name of Owner(s): _____

Name of Subdivision: _____

Location: _____

Date of Approval: _____ For: _____

Surveyor: _____ Date of Plan: _____

Dated this _____ day of _____, _____.

Development Officer

Plan of subdivision filed in the Registry of Deeds as Plan # _____

Dated this _____ day of _____, _____.

This plan of subdivision also contains information regarding the lots approved on the plan with respect to one or more of the following:

1. The lot's eligibility for on-site sewage disposal systems.
2. The availability of central sewer and/or central water systems.
3. Information indicating whether or not the lots abut a public street or highway.

Schedule "C" – Application for Repeal of a Subdivision

Plan of Subdivision

File Number: _____

APPLICANT INFORMATION

Name of Land Owner(s): _____ Phone: _____

Address of Land Owner(s): _____ Postal Code: _____

Documents to be returned to: _____

Correspondence to be directed to _____

INFORMATION ON THE SUBDIVISION SOUGHT TO BE REPEALED

Name of applicant for subdivision approval: _____

Location : _____ Municipality: _____

The subdivision was approved on the _____ day of _____,

and is filed in the Registry of Deeds at _____ in the Municipality of

_____ the County of _____ As # _____

Lot(s) # _____ was/were approved and

repeal is sought for approval of Lot(s) # _____

Registration fee submitted.

CERTIFICATION OF FACTS (Reasons For Repeal)
(If more space is required, attach additional sheet)

MUNICIPALITY OF THE DISTRICT OF SHELBURNE SUBDIVISION BYLAW

OWNER'S CERTIFICATE

I certify that the information in this application is true and complete, that I am applying for repeal of this subdivision with full knowledge and consent of all persons with legal interest, including mortgagees, in the lands affected by the repeal and that these persons have co-signed this application.

Signature of owner/agent

Date

Co-Signer

Date

Schedule “D” – Repeal of a Subdivision

Plan of Subdivision

Name of Owner(s): _____

Name of Subdivision: _____

Location: _____

Date of Approval of the Subdivision: _____

Being Registration #: _____ at the Registry of Deeds.

THIS SUBDIVISION IS REPEALED

Entire Plan or Only Lots #: _____

Dated at _____ in the _____, Province of Nova

Scotia, this _____ day of _____, _____.

Development Officer

Please note: Any lots or parcel created by this repeal may not be eligible for development.

Schedule “E” – Stopping Sight Distances

STOPPING SIGHT DISTANCES								
Lot No.	Distance From Lot Corner Left/Right	Speed Zone	Left		Right		Pass Or Fail	Comment
			Grade	Distance	Grade	Distance		